

104TH CONGRESS  
2D SESSION

# H. R. 3127

To provide for the orderly disposal of Federal lands in Southern Nevada, and for the acquisition of certain environmentally sensitive lands in Nevada, and for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

Mr. ENSIGN introduced the following bill; which was referred to the  
Committee on Resources

---

## A BILL

To provide for the orderly disposal of Federal lands in Southern Nevada, and for the acquisition of certain environmentally sensitive lands in Nevada, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION. 1. SHORT TITLE.**

4       This Act may be cited as the “Southern Nevada Pub-  
5       lic Land Management Act of 1996”.

6       **SEC. 2. FINDINGS AND PURPOSE.**

7       (a) FINDINGS.—The Congress finds the following:

1           (1) The Bureau of Land Management has ex-  
2           tensive land ownership in small and large parcels  
3           interspersed with or adjacent to private land in the  
4           Las Vegas valley, Nevada, making many of these  
5           parcels difficult to manage and more appropriate for  
6           disposal.

7           (2) The ad hoc disposal of Federal land by the  
8           Bureau of Land Management has significantly con-  
9           tributed to growth in the Las Vegas valley, imposing  
10          substantial costs on local government.

11          (3) In order to promote responsible and orderly  
12          development in the Las Vegas valley, certain of  
13          those Federal lands should be sold by the Federal  
14          Government based on recommendations made by  
15          local government and the public.

16          (4) The value of Federal lands in the Las  
17          Vegas valley is enhanced by local infrastructure im-  
18          provements which are paid for by local government.

19          (5) The Las Vegas metropolitan area is the  
20          fastest growing urban area in the United States,  
21          which is causing significant impacts upon the Lake  
22          Mead National Recreation Area, the Red Rock Can-  
23          yon National Conservation Area, and the Spring  
24          Mountains National Recreation Area, which sur-  
25          round the Las Vegas valley.

1 (b) PURPOSE.—The purpose of this Act is to provide  
2 for the orderly disposal of certain Federal lands in Clark  
3 County, Nevada, and to provide for the acquisition of envi-  
4 ronmentally sensitive lands in the State of Nevada.

5 **SEC. 3. DEFINITIONS.**

6 As used in this Act:

7 (1) The term “Secretary” means the Secretary  
8 of the Interior.

9 (2) The term “Secretaries” means the Sec-  
10 retary of the Interior and the Secretary of Agri-  
11 culture.

12 (3) The term “unit of local government” means  
13 Clark County, the City of Las Vegas, the City of  
14 North Las Vegas, or the City of Henderson; all in  
15 the State of Nevada.

16 (4) The term “Agreement” means the agree-  
17 ment entitled “The Interim Cooperative Manage-  
18 ment Agreement Between The United States De-  
19 partment of the Interior—Bureau of Land Manage-  
20 ment and Clark County”, dated November 4, 1992.

21 (5) The term “special account” means the ac-  
22 count in the Treasury of the United States estab-  
23 lished under section 4(e)(1)(D).

1 **SEC. 4. DISPOSAL.**

2 (a) DISPOSAL.—Notwithstanding the land use plan-  
3 ning requirements contained in sections 202 and 203 of  
4 the Federal Land Policy and Management Act of 1976  
5 (43 U.S.C. 1711 and 1712), the Secretary, in accordance  
6 with this Act, shall by sale or exchange dispose of Federal  
7 lands within the boundary of the area under the jurisdic-  
8 tion of the Director of the Bureau of Land Management  
9 in Clark County, Nevada, generally depicted on the map  
10 entitled “Las Vegas Valley, Nevada, Land Disposal Map”,  
11 numbered \_\_\_\_, and dated \_\_\_\_\_. Such map shall be on  
12 file and available for public inspection in the offices of the  
13 Director and the Las Vegas District of the Bureau of  
14 Land Management.

15 (b) RESERVATION FOR LOCAL PUBLIC PURPOSES.—

16 (1) ELECTION AND CONVEYANCE TO LOCAL  
17 GOVERNMENTS.—Not less than 90 days before the  
18 issuance of a patent to lands pursuant to subsection  
19 (a), the unit of local government in whose jurisdic-  
20 tion the lands are located may elect to obtain, with-  
21 out consideration, up to 12 percent of the lands for  
22 local public purposes. Pursuant to any such election,  
23 the Secretary shall convey the elected lands to such  
24 unit of local government.

25 (2) REVERTER.—Except as provided by para-  
26 graph (3), if lands acquired by a unit of local gov-

1       ernment under paragraph (1) are disposed of by  
2       that unit or otherwise cease to be used for local pub-  
3       lic purposes, such lands shall revert to the United  
4       States. Lands revested in the United States under  
5       this paragraph shall be offered for disposal in ac-  
6       cordance with this Act.

7               (3) EXCEPTION FOR EXCHANGES.—Lands ac-  
8       quired by a unit of local government under para-  
9       graph (1) may be exchanged for private lands pursu-  
10      ant to section 7.

11       (c) WITHDRAWAL.—Subject to valid existing rights,  
12      all Federal lands identified in subsection (a) for disposal  
13      are withdrawn from location, entry, and patent under the  
14      mining laws and from operation under the mineral leasing  
15      and geothermal leasing laws.

16       (d) SELECTION.—

17               (1) JOINT SELECTION REQUIRED.—The Sec-  
18      retary and the unit of local government in whose ju-  
19      risdiction lands referred to in subsection (a) are lo-  
20      cated shall jointly select lands to be offered for sale  
21      or exchange under this section. If agreement cannot  
22      be reached on joint selection with respect to a parcel  
23      of land, the parcel may not be offered for sale or ex-  
24      change under subsection (a).

1           (2) OFFERING.—After land has been selected in  
2           accordance with this subsection, the Secretary shall  
3           make the first offering of land as soon as practicable  
4           after the date of enactment of this Act.

5           (e) DISPOSITION OF PROCEEDS.—

6           (1) LAND SALES.—Of the gross proceeds of  
7           sales of land under this section in a fiscal year:

8                   (A) 5 percent shall be paid directly to the  
9                   State of Nevada for use in the general edu-  
10                  cation program of the State.

11                  (B) 25 percent shall be paid directly to the  
12                  Southern Nevada Water Authority for water  
13                  treatment and transmission facility infrastruc-  
14                  ture in Clark County, Nevada.

15                  (C) 20 percent shall be paid directly to  
16                  Clark County, Nevada, for development of  
17                  parks and trails and for public recreation pur-  
18                  poses within the Las Vegas valley after the  
19                  adoption of an interlocal agreement among  
20                  Clark County, the City of Las Vegas, the City  
21                  of North Las Vegas, and the City of Hender-  
22                  son.

23                  (D) The remainder shall be deposited in a  
24                  special account in the Treasury of the United  
25                  States for use pursuant to the provisions of

1 paragraphs (2) and (3). Amounts in the special  
2 account shall be available to the Secretaries  
3 without further appropriation and shall remain  
4 available until expended.

5 (2) LAND EXCHANGES.—In the case of a land  
6 exchange under this section (other than a land ex-  
7 change pursuant to subsection (b)(3)), the Secretary  
8 shall provide direct payments pursuant to para-  
9 graphs (1)(A), (B), and (C) from any cash equali-  
10 zation payment made to the Secretary pursuant to  
11 the exchange agreement and from the special ac-  
12 count. The payments shall be based on the appraised  
13 fair market value of the Federal lands to be con-  
14 veyed in the exchange.

15 (3) AVAILABILITY OF SPECIAL ACCOUNT.—

16 (A) IN GENERAL.—In addition to pay-  
17 ments under paragraph (2), amounts deposited  
18 in the special account may be expended by the  
19 Secretaries, acting jointly, for—

20 (i) the acquisition of environmentally  
21 sensitive land in the State of Nevada in ac-  
22 cordance with section 5, with priority given  
23 to lands located within Clark County;

24 (ii) infrastructure needs associated  
25 with recreation and resource protection

1 programs at the Lake Mead National  
2 Recreation Area, the Red Rock Canyon  
3 National Conservation Area and other  
4 areas administered by the Bureau of Land  
5 Management in Clark County, and the  
6 Spring Mountains National Recreation  
7 Area in the State of Nevada; and

8 (iii) development of a multi-species  
9 habitat conservation plan in Clark County,  
10 Nevada.

11 (B) PROCEDURES.—The Secretaries shall  
12 jointly develop procedures for the use of the  
13 special account that ensure accountability and  
14 demonstrated results.

15 (C) LIMITATION.—Not more than 50 per-  
16 cent of the amounts available to the Secretaries  
17 from the special account in any fiscal year (de-  
18 termined without taking into account amounts  
19 deposited under subsection (g)(4)) may be used  
20 for the purposes described in subparagraph  
21 (A)(ii).

22 (f) INVESTMENT OF SPECIAL ACCOUNT.—All funds  
23 deposited as principal in the special account shall earn in-  
24 terest in the amount determined by the Secretary of the  
25 Treasury on the basis of the current average market yield



1 on outstanding marketable obligations of the United  
2 States of comparable maturities. Such interest shall be  
3 added to the principal of the account and expended in ac-  
4 cordance with the provisions of subsection (e)(3).

5 (g) AIRPORT ENVIRONS OVERLAY DISTRICT LAND  
6 TRANSFER.—Upon request of Clark County, Nevada, the  
7 Secretary shall transfer to Clark County, Nevada, without  
8 consideration, all right, title, and interest of the United  
9 States in and to the lands identified in the Agreement,  
10 subject to the following:

11 (1) Valid existing rights.

12 (2) Clark County agrees to manage such lands  
13 in accordance with the Agreement and with section  
14 47504 of title 49, United States Code, (relating to  
15 airport noise compatibility planning) and regulations  
16 promulgated pursuant to that section.

17 (3) Clark County agrees that if any of such  
18 lands are sold or leased by Clark County, such sale  
19 or lease shall contain a limitation which requires  
20 uses compatible with the Agreement and such Air-  
21 port Noise Compatibility Planning provisions.

22 (4) Clark County agrees that if any of such  
23 lands are sold or leased by Clark County and are  
24 identified on the map referenced in section 2(a) of  
25 the Act entitled “An Act to provide for the orderly

1 disposal of certain Federal lands in Nevada and for  
2 the acquisition of certain other lands in the Lake  
3 Tahoe Basin, and for other purposes”, approved De-  
4 cember 23, 1980 (94 Stat. 3381; commonly known  
5 as the “Santini-Burton Act”), Clark County shall  
6 contribute 85 percent of all proceeds from the sale  
7 or lease of such lands directly to the special account.  
8 Such proceeds shall be used by the Secretary of Ag-  
9 riculture to acquire environmentally sensitive land in  
10 the Lake Tahoe Basin pursuant to section 3 of the  
11 Santini-Burton Act. The remaining proceeds shall be  
12 available for use by the Clark County Department  
13 of Aviation for the benefit of airport development  
14 and infrastructure.

15 **SEC. 5. ACQUISITIONS.**

16 (a) ACQUISITIONS.—

17 (1) DEFINITION.—For purposes of this section,  
18 the term “environmentally sensitive land” means  
19 land or an interest in land, the acquisition of which  
20 by the United States would, in the judgment of the  
21 Secretary of the Interior or the Secretary of Agri-  
22 culture—

23 (A) facilitate the preservation of natural,  
24 scientific, aesthetic, historical, cultural, water-

1 shed, wildlife, and other values contributing to  
2 public enjoyment and biological diversity;

3 (B) enhance recreational opportunities and  
4 public access;

5 (C) provide the opportunity to achieve bet-  
6 ter management of public land through consoli-  
7 dation of Federal ownership; or

8 (D) otherwise serve the public interest.

9 (2) IN GENERAL.—After the consultation proc-  
10 ess has been completed in accordance with para-  
11 graph (3), the Secretaries may acquire by donation,  
12 purchase with donated or appropriated funds, or ex-  
13 change environmentally sensitive land and interests  
14 in environmentally sensitive land. Lands may not be  
15 acquired under this section without the consent of  
16 the owner thereof.

17 (3) CONSULTATION.—Before initiating acquisi-  
18 tion proceedings for lands under this subsection, the  
19 Secretary of the Interior or the Secretary of Agri-  
20 culture shall consult with the State of Nevada and  
21 with local government within whose jurisdiction the  
22 lands are located, including appropriate planning  
23 and regulatory agencies, and with other interested  
24 persons, concerning the necessity of making the ac-  
25 quisition, the potential impacts on State and local

1 government, and other appropriate aspects of the ac-  
2 quisition. Consultation under this paragraph is in  
3 addition to any other consultation required by law.

4 (b) ADMINISTRATION.—On acceptance of title by the  
5 United States, land and interests in lands acquired under  
6 this section that is within the boundaries of a unit of the  
7 National Forest System, National Park System, National  
8 Wildlife Refuge System, National Wild and Scenic Rivers  
9 System, National Trails System, National Wilderness  
10 Preservation System, any other system established by Act  
11 of Congress, or any national conservation area or national  
12 recreation area established by Act of Congress—

13 (1) shall become part of the unit or area with-  
14 out further action by the Secretary of the Interior  
15 or Secretary of Agriculture; and

16 (2) shall be managed in accordance with all  
17 laws and regulations and land use plans applicable  
18 to the unit or area.

19 (c) DETERMINATION OF FAIR MARKET VALUE.—The  
20 fair market value of land or an interest in land to be ac-  
21 quired by the Secretary of the Interior or the Secretary  
22 of Agriculture under this section shall be determined by  
23 an appraisal made under section 206 of Federal Land Pol-  
24 icy and Management Act of 1976. Any such appraisal  
25 shall be made without regard to the presence of a species

1 listed as threatened or endangered under the Endangered  
2 Species Act of 1973 (16 U.S.C. 1531 et seq.).

3 (d) WATER RIGHTS.—

4 (1) NO FEDERAL RESERVATION.—Nothing in  
5 this Act or any other Act of Congress shall con-  
6 stitute or be construed to constitute either an ex-  
7 press or implied Federal reservation of water or  
8 water rights for any purpose arising from the acqui-  
9 sition of lands or interests in lands under this Act.

10 (2) ACQUISITION AND EXERCISE OF WATER  
11 RIGHTS UNDER NEVADA LAW.—The United States  
12 may acquire and exercise such water rights as it  
13 deems necessary to carry out its responsibilities on  
14 any lands and interests in lands acquired under this  
15 Act pursuant to the substantive and procedural re-  
16 quirements of the State of Nevada. Nothing in this  
17 Act shall be construed to authorize the use of emi-  
18 nent domain by the United States to acquire water  
19 rights for such lands or interests in lands. Within  
20 areas acquired by this Act, all rights to water grant-  
21 ed under the laws of the State of Nevada may be ex-  
22 ercised in accordance with the substantive and pro-  
23 cedural requirements of the State of Nevada.

24 (3) EXERCISE OF WATER RIGHTS GENERALLY  
25 UNDER NEVADA LAWS.—Nothing in this Act shall be

1 construed to limit the exercise of water rights as  
2 provided under Nevada State laws.

3 (e) PAYMENTS IN LIEU OF TAXES.—Section 6901(1)  
4 of title 31, United States Code, is amended—

5 (1) by striking “or” at the end of subparagraph  
6 (F);

7 (2) by striking the period at the end of sub-  
8 paragraph (G) and inserting “; or”; and

9 (3) by adding at the end the following:

10 “(H) acquired by the Secretary of the Inte-  
11 rior or the Secretary of Agriculture under sec-  
12 tion 5 of the Southern Nevada Public Land  
13 Management Act of 1996 that is not otherwise  
14 described in subparagraphs (A) through (G).”.

15 **SEC. 6. REPORT.**

16 The Secretary of the Interior, in cooperation with the  
17 Secretary of Agriculture, shall submit to the Committee  
18 on Energy and Natural Resources of the Senate and the  
19 Committee on Resources of the House of Representatives  
20 an annual report on all transactions under this Act.

21 **SEC. 7. RECREATION AND PUBLIC PURPOSES ACT.**

22 (a) EXCHANGES.—

23 (1) IN GENERAL.—Upon request by a person  
24 described in paragraph (2), the Secretary may enter  
25 into an exchange of lands pursuant to section 206

1 of the Federal Land Policy and Management Act of  
2 1976 (43 U.S.C. 1716). Exchanges pursuant to the  
3 provisions of such section 206 may only be made for  
4 lands of equal value, except that with respect to a  
5 unit of local government an amount equal to the ex-  
6 cess (if any) of the appraised fair market value of  
7 lands received by the unit of local government over  
8 the appraised fair market value of lands transferred  
9 by the unit of local government shall be paid to the  
10 Secretary and shall be treated under section 4(e)(1)  
11 of this Act as proceeds from the sale of land. Ap-  
12 praisals of lands transferred by a unit of local gov-  
13 ernment shall not take into account the reversion re-  
14 quirement under section 4(b)(2) of this Act.

15 (2) PERSON DESCRIBED.—A person referred to  
16 in paragraph (1) is—

17 (A) a grantee of lands within Clark Coun-  
18 ty, Nevada, that are subject to a lease or patent  
19 issued under the Act entitled “An Act to au-  
20 thorize acquisition or use of public lands by  
21 States, counties, or municipalities for rec-  
22 reational purposes”, approved June 14, 1926  
23 (43 U.S.C. 869 et seq.; commonly known as the  
24 “Recreation and Public Purposes Act”), or

1 (B) a unit of local government making an  
2 election under section 4(b)(1).

3 (3) TERMS AND CONDITIONS APPLICABLE TO  
4 LANDS ACQUIRED.—Land acquired under this sec-  
5 tion by a grantee described in paragraph (2)(A)  
6 shall be subject to the terms and conditions, uses,  
7 and acreage limitations of the lease or patent to  
8 which the lands transferred by the grantee were sub-  
9 ject, including the reverter provisions, under the  
10 Recreation and Public Purposes Act. Land acquired  
11 under this section by a unit of local government de-  
12 scribed in paragraph (2)(B) shall be subject to the  
13 reversion provisions of section 4(b)(2) of this Act.

14 (b) WATER TREATMENT FACILITIES.—Notwith-  
15 standing any other provision of law, the Secretary shall  
16 make available land under the Recreation and Public Pur-  
17 poses Act to the Southern Nevada Water Authority, as  
18 identified on the map entitled “Las Vegas Valley, Nevada,  
19 Water Treatment Facilities and Delivery System”, num-  
20 bered \_\_\_\_, and dated \_\_\_\_.

21 (c) FLOOD CONTROL.—The Secretary, in consulta-  
22 tion with the United States Army Corps of Engineers and  
23 the Clark County Regional Flood Control District, shall  
24 make available land in Clark County, Nevada, in accord-  
25 ance with the Recreation and Public Purposes Act for



1 flood control purposes. Such lands shall be made available  
2 to the Clark County Regional Flood Control District.

3 **SEC. 8. BOUNDARY MODIFICATION OF RED ROCK CANYON**  
4 **NATIONAL CONSERVATION AREA.**

5 Section 3(a)(2) of the Red Rock Canyon National  
6 Conservation Area Establishment Act of 1990 (16 U.S.C.  
7 460ccc-1(a)(2)) is amended to read as follows:

8 “(2) The conservation area shall consist of ap-  
9 proximately \_\_\_\_ acres as generally depicted on the  
10 map entitled ‘Red Rock Canyon National Conserva-  
11 tion Area—Proposed Modification’, numbered \_\_\_\_,  
12 and dated \_\_\_\_.”.

○